

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 09-AFC-02
Application For Certification)	
For the Almond 2 Power Plant Project)	STAFF'S PREHEARING CONFERENCE
)	STATEMENT

On September 8, 2010, the Almond 2 Power Plant Project Application for Certification Committee (Committee) issued a Notice of Prehearing Conference and Evidentiary Hearing. In the Notice, the Committee set the date for the Prehearing Conference and Evidentiary Hearing as October 1, 2010, and ordered each party planning to participate in the Conference to serve and file a Prehearing Conference Statement and an Exhibit List. Each Statement is required to specify the topic areas the party believes are ready for evidentiary hearings and those that are not, any disputed areas and the precise nature of the dispute, witnesses and their qualifications, a summary of testimony to be offered and the time desired to present direct testimony, time desired for cross-examination, a list of exhibits, a proposed briefing schedule, and any proposed modifications to proposed Conditions of Certification.

Staff is prepared at this time to proceed to evidentiary hearings in all topic areas. On April 30, 2010, Staff issued its Staff Assessment (SA), and on July 30, 2010, Staff issued its Revised Staff Assessment (RSA), based on comments received during the public comment period and at the Staff Workshop held on May 18, 2010. Staff held an additional public workshop on September 16, 2010, to work with the applicant to revise language in several Conditions of Certification. Staff is expected to issue a Supplement to the Revised Staff Assessment (RSA Supplement) on September 27, 2010, which includes the revised language to the Conditions of Certification discussed at the September workshop, revised language for Soil and Water and Air Quality sections, and

revised Declarations of Staff's witnesses. The RSA, in conjunction with the RSA Supplement, constitute Staff's written testimony in these proceedings, and includes all of the witnesses' qualifications. Staff's testimony for each technical area is that, with the mitigation measures recommended by Staff, the proposed project will have no unmitigated significant adverse impacts and is in compliance with all laws, ordinances, regulations, and standards. At this time, Staff does not anticipate filing any further supplemental testimony, but respectfully reserves the right to file such testimony at a later date, if warranted. Staff does not propose any further modifications to any of the Conditions of Certification at this time.

Staff and Applicant are the only parties that have filed written testimony and are in agreement in all technical areas. Thus, at this time, Staff is not anticipating any cross-examination of witnesses from other parties. Staff is unaware of any technical areas that may be disputed by California Unions for Reliable Energy, the only intervenor in this proceeding. During the Evidentiary Hearing, Staff proposes to sponsor testimony into the record by written declaration of each witness. Although, Staff Counsel plans to move the testimony and declarations into the record as if read without the presence of witnesses, Staff's technical witnesses may be on hand to answer any questions at the request of the Committee. In addition, Rupi Gill, Permit Services Manager - Northern Region of the San Joaquin Valley Air District, will be present telephonically to sponsor and discuss the Air District's Final Determination of Compliance.

Informal Hearing Procedures

The Committee has noticed its intention to use informal hearing procedures. Staff has no objection to using an informal process in this proceeding. As stated above, at the request of the Committee, Staff will have available technical witnesses to answer questions from the Committee or the public.

Proposed Schedule

Staff is prepared to proceed with evidentiary hearings in all topic areas. At this time, Staff is not aware of a need for post-hearing briefs. If briefs are required, Staff proposes to file them with the Committee within two weeks after the Hearing transcripts are made available to all parties.

DATED: September 27, 2010

Respectfully submitted,

/s/ Kerry A. Willis
KERRY A. WILLIS
Senior Staff Counsel